

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

Plaintiff,

and

GEEKNET, INC. (f/k/a VA LINUX
SYSTEMS, INC.), a Delaware corporation,

Nominal Plaintiff

v.

CREDIT SUISSE SECURITIES (USA) LLC, a
Delaware limited liability company,

Defendant

NO. 2:12-cv-01937 JLR

DECLARATION OF MARK WILNER

I, Mark Wilner, declare as follows:

1. ***Identity and Competency.*** I am an attorney with the law firm of Gordon Tilden Thomas & Cordell, LLP. Along with the Keller Rohrbach law firm, we represent plaintiff Vanessa Simmonds.

2. ***Defense Fees & Costs Challenged by Plaintiff.*** Attached to my declaration as Exhibits A–D are copies of the fee and cost line items submitted by the defense in Defendant’s

DECLARATION OF MARK WILNER – 1
No. 2:12-cv-01937 JLR

GORDON TILDEN THOMAS & CORDELL LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 Rule 41(d) Motion for Costs and Stay. As referenced in Plaintiff's opposition to the motion, the
 2
 3 specific line items challenged by Plaintiff are marked with an asterisk.
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5 3. ***Calculation of Fees & Costs Reasonably Incurred.*** A calculation is included at
 6
 7 the front of each exhibit showing the amount of fees and costs asserted by Plaintiff to be
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 9 reasonably incurred after deductions for the items Plaintiff challenges. The exhibits and
 10
 11 calculations are as follows:
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13 Exhibit A: New York Counsel's Costs \$356.80

14 Exhibit B: Local Counsel's Costs \$581.04

15 Exhibit C: New York Counsel's Fees \$7,625.45

16 Exhibit D: Local Counsel's Fees \$1,432.61
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21 4. ***The Prior Case Was Not Cross-Appealed.*** Attached to my declaration as Exhibit
 22
 23 E is a true and correct copy of a printout of the docket from the prior case (No. C07-1583 JLR)
 24
 25 showing no cross-appeal was filed therein. A review of the defense cost bill in the master case
 26
 27 likewise shows the costs of the prior case (No. C07-1583 JLR) were not included. *See* Dkt. 97 ¶
 28
 29 3 (Master Case No. C07-1549 JLR).
 30

31 5. ***Four Pro Hac Vice Applications Were Filed.*** Attached to my declaration as
 32
 33 Exhibit F are true and correct copies of the four pro hac vice applications filed in the prior case.
 34

35 **I declare under penalty of perjury the foregoing to be true and accurate.**
 36

37 DATED this 22nd day of January, 2013.
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 45

s/Mark A. Wilner

Mark A. Wilner

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

Counsel for Nominal Plaintiff Geeknet, Inc.:

Molly M. Dailey
Stoel Rives
600 University Street, Suite 3600
Seattle, WA 98101
T: (206) 624-0900
F: (206) 386-7500
Email: mmdaily@stoel.com

Counsel for Credit Suisse Securities (USA) LLC:

Christopher B. Wells
Lane Powell PC
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101
T: 206-223-7000
F: 206-226-7107
Email: wellsc@lanepowell.com

Davis S. Lesser
Fraser Hunter
WilmerHale
7 World Trade Center
250 Greenwich Street
New York, NY 10007
212-230-8851
212-230-8888
David.lesser@willmerhale.com
Fraser.hunter@willmerhale.com

s/Mark Wilner

Mark Wilner, WSBA #31550
Gordon Tilden Thomas & Cordell LLP